

A Short Historical Perspective

(in alphabetical order)

ALDUS LITIGATION. The firm acted as co-lead counsel for shareholders in an action settled for payment of up to \$10.6 million to Aldus shareholders.

EGGHEAD LITIGATION. In two separate cases, the firm acted as lead counsel for shareholders injured as a result of misrepresentations made in connection with Egghead's initial public offering of common stock, and secondary trading in Egghead stock.

FOODMAKER LITIGATION. The firm acted as co-lead counsel after Foodmaker's stock declined in reaction to the Jack-in-the-Box poisoning outbreak. The discovery work done by the firm was utilized and copied by personal injury lawyers who recovered in excess of \$100 million from Foodmaker.

IMMUNEX LITIGATION. The firm acted as co-lead counsel on behalf of a class of purchasers of Immunex stock. A settlement of \$14 million was approved by the federal court.

INTERMEC LITIGATION. The firm acted as co-lead counsel for shareholders after Intermec stock dropped 30 percent in value over a two-quarter period as a result of a succession of overly optimistic earnings estimates. Our efforts netted a \$5.9 million settlement for the shareholders.

LOUISIANA-PACIFIC SIDING LITIGATION. The firm acted as co-lead counsel on a consumer case arising from the failure of a new type of hardboard siding used to clad homes. Over a million consumers are in the class. The case resulted in a landmark, highly favorable settlement that has resulted in compensation for homeowners across the country.

MICHAEL MILKEN LITIGATION. The firm, on behalf of beneficiaries of several Washington State public employee pension funds which are administered by the Washington State Investments Board ('WSIB'), brought a RICO and breach of fiduciary duty suit against noted junk bond king Michael Milken, and over forty individuals who were involved as principals or participants in the leveraged buyouts of Beatrice, Safeway, Pace, City and Motel Six. This case pitted the firm against some of America's most powerful individuals and companies. A settlement was reached and received final approval from the Court.

MORRISON KNUDSEN LITIGATION ('MK'). MK was at the time the largest employer in Boise, Idaho. After a significant write off, **Hagens Berman Sobol Shapiro** filed a shareholder class action, alleging that MK's CEO, William Agee, and other officers, had misled the investors as to MK's true status. The lawsuit claimed that MK was concealing hundreds of millions in losses. In Boise, the public and even the Court were skeptical that this venerable local company could have misled investors. After bitterly fighting the suit, MK ousted Agee and admitted that it was facing hundreds of millions in losses and declared bankruptcy. **Hagens Berman Sobol Shapiro** was able to recover over \$63 million for investors, resulting in what is believed to be the largest settlement in the State of Idaho (except in the tobacco case).

NORDSTROM LITIGATION. The firm acted as co-lead counsel for shareholders claiming that the company had misrepresented its liabilities for labor in publicly filed documents distributed to the Investment Community. Steve Berman obtained a \$7.5 million settlement from the company and its inside directors.

PIPER JAFFRAY. This action was brought as a class action on behalf of purchasers of common shares of eight closed-end investment companies established, marketed and operated by the Piper Jaffray Companies, Inc., and various subsidiaries. These funds contained Mortgage-backed securities that were routinely referred to as 'AAA' or 'government securities' by defendants in an effort to convince investors

of their overall safety. Defendants ignored or misrepresented the effect that interest rate or market risks would have on these types of investments. In reality, these securities are extremely complex and intricate and are acutely sensitive to changes in market interest rates and are often used as part of an overall strategy to speculate on the course of market interest rates in the future. Unfortunately for Class members, the Defendants lost their gamble on interest rates using the shareholders' money. Market interest rates rose sharply throughout 1994, dealing a devastating blow to the speculative portfolios of the various closed-end funds. Due to the undisclosed risks that defendants undertook, the closed-end funds – and the Class members – suffered massive losses.

A settlement valued at over \$50 million was achieved.

SPOKANE ASPHALT ANTITRUST LITIGATION. Carl Hagens and Steve Berman represented independent asphalt pavers who had been excluded from the Spokane asphalt industry. As a result of the case, the Spokane paving industry is open to independent contractors.

U.S. WEST LITIGATION. The firm represented shareholders of U.S. West New Vector in a challenge to the proposed buyout of minority shareholders by U.S. West. As a result of this litigation, the proposed buyout was stayed, and a settlement was achieved that resulted in a \$63 million increase in the price of the buyout.

WASHINGTON PUBLIC POWER SUPPLY SYSTEM SECURITIES LITIGATION. Steve Berman and James Solimano represented bondholders and the bondholder trustee of WPPSS Nuclear Projects 4 and 5 bonds. Following the largest municipal bond default in history (\$2.25 billion), the trustee, joined by bondholders, brought one of the most complex and protracted securities fraud cases ever filed. After more than five years of intensive litigation, the trustee and the other plaintiffs recovered in excess of \$850 million in settlements from more than 100 defendants. The implementation of various settlement agreements continues and will be a firm matter.

WASHINGTON STATE FERRY WORKERS WAGE LITIGATION. The firm represented a class of on-call seamen who alleged that they were not paid for being 'on call' in violation of federal and state law. The case resulted in a rearrangement in work assignments and of the 'on call' system that has resulted in better working conditions.

WPPSS COST SHARING LITIGATION. The firm represented Chemical Bank, the trustee for WPPSS Projects 4 and 5 bondholders, in litigation against nearly 100 defendants. The bank recovered \$55 million in costs misallocated among the WPPSS nuclear projects.

Securities Litigation

Securities litigation has been one of the cornerstones of **Hagens Berman Sobol Shapiro's** practice since the inception of our firm. We have recovered hundreds of millions of dollars for institutional and individual investors defrauded by unscrupulous management of publicly held corporations.

In light of recent cases, such as Enron, **Hagens Berman Sobol Shapiro's** work is even more well recognized as crucial to protecting the rights of investors.

Hagens Berman Sobol Shapiro provides unparalleled services to combat corporate fraud. Our attorneys are experts in a wide array of issues unique to specific industries. We also use highly experienced experts in a variety of fields as an integral part of the prosecution team.

According to the former Chairman of the SEC, Arthur Levitt, "... we are witnessing an erosion in the quality of earnings, and therefore the quality of financial reporting. Managing may be giving way to manipulation; Integrity may be losing out to illusion." ¹

We recognize that investing is, by nature, a speculative business involving a wide variety of risks. But no money manager or individual investor should be forced to endure undue risk as a result of misreported financial conditions. We vigorously pursue fraud recovery litigation that forces corporations to answer to the investors they have deceived.

Our firm has represented investors in nationwide class actions for securities violations against WPPSS, Boeing, Einstein-Noah Bagel, Boston Chicken, Exxon-Mobil, Oppenheimer, Morrison Knudsen, ProCyt, Wall Data, PriceCostco, MK Rail, Bonneville Pacific, Mercer International, NeoRx, Egghead and Omega Environmental.

We currently have securities actions in California, Colorado, Florida, Idaho, Michigan, Utah, Tennessee, Texas, Minnesota, New York, and Washington.

¹ *The Numbers Game*, remarks by Arthur Levitt on September 28, 1998 at the NYU Center for Law and Business.

SERVICES PROVIDED TO INSTITUTIONAL INVESTORS

Hagens Berman Sobol Shapiro is a leading provider of specialized securities litigation services to public, private and Taft-Hartley pension funds. We offer proprietary and unparalleled asset protection and recovery services to both foreign and domestic institutions. Our institutional services provide participants with the ability to identify, investigate and react to potential wrongdoing by companies they invest in.

Our program enables clients to be proactive, not reactive. We update our clients on an ongoing basis regarding their exposure and advise them on their legal rights and potential remedies. We make a commitment to our institutional and pension fund clients to protect and defend all of their rights as shareholders and guardians of their beneficiaries' retirement funds.

When money managers suffer lost percentage points as a result of corporate deception, our litigation services allow them to recover a substantial percentage of those losses, increasing the money manager's performance. However, we realize that as a fiduciary, money managers may not have the ability or desire to risk funds on speculative litigation using typical hourly-rate law firms. Therefore, **Hagens Berman Sobol Shapiro** provides institutional investors with several methods of fraud recovery litigation services.

Depending on the size and facts of the case, we may bring individual action on behalf of the institutional investor. Another method is for the institutional investor to be the lead plaintiff in a securities class action against the offending company. **Hagens Berman Sobol Shapiro** helps clients decide which course of action is best for them, and is well-qualified to pursue either method of recovery.

THE VALUE OF CLASS-ACTION LITIGATION

Many class-action cases are very successful, and provide meaningful recoveries to the class members. For example, the Morrison Knudsen and Oppenheimer Delta Partners litigations - both led by **Hagens Berman Sobol Shapiro** - obtained settlements of approximately 60 percent and 80 percent, respectively, of the largest estimates of possible losses for the class members. The Midisoft case, also directed by **Hagens Berman Sobol Shapiro**, obtained more than 50 percent of total damages. Many other recent cases, such as Waste Management and Cendant, have obtained hundreds of millions of dollars in settlements and recovered a large percentage of damages for injured shareholders.

DUTIES OF A LEAD PLAINTIFF

As the lead plaintiff in a class action, the court requires that you will adequately and fairly represent the class. To perform these duties, the institution must be familiar with the litigation. This does not mean it must know every aspect of the litigation. **Hagens Berman Sobol Shapiro** will keep the institution informed of major events and this will satisfy its duty.

The institution may and should confer with us at any time it feels it is appropriate. The institution must also agree to vigorously prosecute the litigation. Meaning, you must hire lawyers experienced in class-action litigation. **Hagens Berman Sobol Shapiro** has national experience in class actions, and has vigorously prosecuted numerous securities fraud class-action cases, with combined recoveries in the hundreds of millions of dollars.

All costs in prosecuting a class action are advanced and paid by **Hagens Berman Sobol Shapiro**, and the institution is not responsible for their payment whether we are successful or unsuccessful.

In short, the institution has minimal time commitments and no financial responsibilities, but will be encouraged to provide its opinions and insights.

AN INSTITUTION'S PRESENCE CAN DRAMATICALLY AFFECT THE LITIGATION

As lead plaintiff, an institution has a direct influence on the strategies and disposition of the case, thereby having a profound effect on the ultimate success of the litigation.

As lead plaintiff, the institution will be a key member of the decision-making team. It will be able to help decide if a contemplated settlement is too low or if it is reasonable under the circumstances. For institutions that have been unhappy with the returns from previous class-action lawsuits they have participated in, overseeing the process to ensure that they are happy with the ultimate result is a compelling reason to participate.

Environmental Litigation

Environmental litigation on behalf of victims of toxic spills or pollution and other land use practices is also an increasing area of focus for **Hagens Berman Sobol Shapiro**. The following is a profile of some of our cases.

CHINOOK FERRY LITIGATION. The firm represented a class of property owners who challenged Washington State Ferries' high-speed operation of a new generation of fast ferries in an environmentally sensitive area of Puget Sound. Two of the ferries at issue, the *Chinook* and *Snohomish*, caused environmental havoc and property damage, compelling the property owners to take action. After a successful preliminary trial, the trial court enjoined the operation of the ferries at high speed pending compliance with environmental laws, which was later overturned on appeal by the Washington Supreme Court. A SEPA study conducted in response to the suit confirmed the adverse environmental impacts of the fast ferry service. The trial court approved a \$4.4 million settlement that is among the most favorable in the annals of class litigation in the State of Washington.

GRAND CANYON LITIGATION. The firm represented the Sierra Club in a challenge to a Forest Service decision to allow commercial development on the southern edge of the Grand Canyon National Park. Recently the trial court enjoined the project.

Exxon Valdez Oil Spill
Cleanup

Exxon Valdez Oil Spill



EXXON VALDEZ OIL SPILL LITIGATION. The firm represents various classes of claimants, including fisherman and businesses located in Prince William Sound and other impacted areas, who were damaged by the worst oil spill in United States history. A \$5 billion judgment was awarded by a federal court jury and a \$98 million settlement was achieved with Alyeska, the oil company consortium that owned the output of the pipeline. The Ninth Circuit Court of Appeals recently overturned the punitive damage award and indicated the district court should reconsider the amount, but not the issue of whether punitive damages were appropriate.

KERR-MCGEE RADIATION CASE. The firm represented a class action on behalf of residents of West Chicago, Illinois, who have been exposed to radioactive uranium tailings from a rare earth facility operated by Kerr-McGee. The trial court has upheld plaintiff's claim, and Kerr-McGee unsuccessfully sought review in the 7th Circuit Court of Appeals. A medical monitoring settlement valued in excess of \$5 million has received court approval.

SEATAC LITIGATION. The firm represented homeowners who claimed that the operation of the Seattle-Tacoma Airport destroyed their property values. The case was the largest inverse condemnation case asserted against a governmental agency in the Pacific Northwest. After a jury trial, the case settled.

SKAGIT VALLEY FLOOD LITIGATION. The firm represented farmers, homeowners and businesses who claimed damages as a result of the 1990 flooding of this community. The case, which had been in litigation for ten years and involved a jury trial of over five months in Snohomish County, was the longest jury trial ever conducted in Snohomish County. Following the entry of 53



Skagit Valley Flood

verdicts against Skagit County, the trial Court entered judgments exceeding \$6.3 million. Ultimately, the State Supreme Court reversed this judgment. Despite this reversal, the firm is proud of this representation and believes that the Supreme Court erred.

RIO TINTO. In a landmark case, the firm represents victims of Rio Tinto's mining operation on the island of Bougainville. To build the mine, Rio chemically defoliated, bulldozed and sluiced off an entire mountainside of rain forest. During the years of the mine's operations, billions of tons of toxic mine waste was generated and dumped onto the land and into pristine waters, filling major rivers with tailings, polluting a major bay dozens of miles away, and the Pacific Ocean as well. As a result of its flagrant disregard for the environment and the people of Bougainville, Rio dispossessed the people of Bougainville from their land, destroyed their culture and polluted their environment and lifestyle. Rio destroyed previously pristine rivers and land that provided substance and a way of life for the native people and went to the heart of their local culture. The pollution is so extensive that plaintiffs and members of the class have been exposed to toxic chemicals. In certain villages, the chemicals still remaining have caused the death and/or illness of residents.



Dead Forest Vegetation as a Result of Raised Water Table Levels Near Old Kuneka

Rio's actions on Bougainville were so egregious that they sparked an uprising designed to close the mine. When the uprising succeeded, Rio and the PNG government brought troops in to reopen the mine. Rio provided transport for these troops. After initial unsuccessful efforts, the PNG government, as the agent of or co-venturer of Rio and with the support and encouragement of Rio, instituted a military blockade of the island that lasted for almost ten years. The purpose of the military blockade was to coerce the Bougainville people into surrender so that the mine could be reopened. Both Rio and PNG made enormous profits from the mine and were anxious for it to operate, notwithstanding the resistance of the island's people. The blockade prevented medicine, clothing and other essential items from reaching the people of Bougainville. Hospitals were forced to close, women died needlessly in childbirth and young children died from easily preventable diseases. Rio's top manager of the Bougainville mine encouraged continuation of the blockade for the purpose of 'starving the bastards' out. This blockade directly caused the deaths of at least 10,000 people between 1990 and 1997. According to the Red Cross, the blockade killed more than 2,000 children in just its first two years of operation. By the time the war ended in 1999, 10% of the population of Bougainville, approximately 15,000 civilians, were killed.

The action alleges that Rio's conduct violated customary international law, including prohibitions against destruction of the right to life and health, and prohibitions against racial discrimination, and war crimes. Rio's conduct violated the settled standards for the protection of human rights and the environment recognized by customary international law and United States legal precedent. The plaintiffs seek redress under the federal Alien Tort Claims Act (28 U.S.C. § 1350).

The Partners



STEVE W. BERMAN

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Mr. Berman helped to found the firm in 1993, and is the managing partner. He has served as lead or co-lead counsel in securities, consumer, products liability, antitrust, employment class actions, and complex litigations in the Northwest and throughout the country. Some of the high-profile matters Mr. Berman has prosecuted include the **Washington Public Power Supply System**, **Exxon Valdez Oil Spill**, **Michael Milken Litigation**, **Enron Litigation**, **Tobacco Litigation**, and the **Visa/MasterCard Litigation**.

Mr. Berman's successes include obtaining a settlement of \$92 million in the **Boeing Securities Litigation**, representing stock and bondholders in the **Bonneville Pacific Securities Litigation** which resulted in settlements exceeding \$30 million, and gaining approval of a \$290 million settlement in the **Louisiana Pacific Siding Litigation**, the largest product liability settlement in Pacific Northwest history. In the **WPPSS Securities Litigation**, Mr. Berman represented bond purchasers in the largest securities trial in U.S. history. In addition to being a member of the trial team, the lead counsel designated him as a core group member alongside a group of class plaintiffs and **Chemical Bank** attorneys charged with prosecuting the case. The case resulted in a settlement exceeding \$850 million, the largest recovery in a securities class action at the time.

Mr. Berman's innovative approaches to litigation have earned him significant recognition. When beneficiaries of state employee pension funds refused to pursue sums from **Michael Milken's** misappropriation of warrants, Mr. Berman stepped forward, pioneering the Milken action and using a unique approach to recovery. As co-lead counsel in multi-state class actions against **Blue Cross**, he uncovered Blue Cross' breach of fiduciary duties owing to plan participants in the manner in which co-payments are calculated. His discovery led to Blue Cross being sued in dozens of states with lawyers throughout the country emulating his approach. Eventually the way in which co-pays are calculated has changed industry-wide resulting in billions of savings for consumers.

Steve is currently working on the **McKesson-First Data Bank Litigation**, the **Nexium Litigation**, **Average Wholesale Price Litigation**, the **Lipitor Litigation**, as well as representing several states on drug pricing litigation (Arizona, Nevada, and Montana) and securities litigation (Ohio). He is also lead counsel in the **DRAM Antitrust Litigation** and the **NCAA Antitrust Litigation**.

Perhaps most notable is Mr. Berman's role as a special assistant attorney general for the states of Washington, Arizona, Illinois, Indiana, New York, Alaska, Idaho, Ohio, Oregon, Nevada, Montana, Vermont, and Rhode Island in the landmark **Tobacco Litigation**.

A principal in the groundbreaking settlement with Liggett and the proposed national settlement, Mr. Berman was one of only two private attorneys acting as members of the negotiating team. He conceived the idea to use Liggett as the whistleblower and secured the cooperation of Bennet LeBow, Liggett's CEO, as well as insisting that Liggett waive all claims of attorney-client privilege. Mr. Berman also negotiated the settlement that required Liggett to admit what the industry has denied to this day: smoking causes cancer and heart disease; nicotine addicts; and the industry targets children. Liggett's admissions, the cooperation of LeBow, and the release of previously privileged documents were instrumental factors in driving the industry to settlement. Liggett's 'plea of guilty' added momentum to the 1997 proposed national settlement, which led to the eventual \$206 billion multi-state settlement in 1998.

The announcement of the final settlement found Mr. Berman in his ninth week of trial presenting the state of Washington's case to a jury. His successful handling of the bulk of the trial earned him great respect. Subsequently, some of Washington State's leading trial lawyers hired Mr. Berman to try a certified class action brought by union trust funds against tobacco. The book, *People v. Big Tobacco*, describes his role in the Tobacco Litigation.

Other notable actions led by Mr. Berman include the **Morrison Knudsen Securities Litigation**, **Contact Lens Disposable Antitrust Litigation** and **Piper Jaffray Closed-End Funds Litigation** in which he obtained a settlement valued at nearly \$60 million. Mr. Berman's cases have also involved corporate entities such as **Egghead**, **Foodmaker**, **SuperMac**, **Immunex**, **Digital Systems**, and **Aldus**.

More recently, **Microsoft** recognized Mr. Berman's experience and expertise when the company retained him to be part of the core national team representing the company in antitrust class actions arising from Judge Jackson's Findings of Fact in the Department of Justice antitrust case against the company.

In April 2000, the *National Law Journal* listed Mr. Berman as the top litigator in the state and, in June, named him as one of the 100 most powerful lawyers in the nation. In January 2001, *Seattle Magazine* featured him in an issue profiling the top lawyers in Seattle. In June 2006, the *National Law Journal* once again named Mr. Berman as one of the nation's 100 most influential lawyers in America. Mr. Berman has also been named as a finalist for the Trial Lawyer of the Year award for 2006 by *The Trial Lawyers for Public Justice*.

Mr. Berman graduated from the University of Michigan in 1976 and earned his law degree from the University of Chicago Law School in 1980.

JENIPHR A.E. BRECKENRIDGE

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Ms. Breckenridge is a partner at Hagens Berman Sobol Shapiro where she has practiced law since its founding in 1993. Ms. Breckenridge's practice concentrates on securities fraud and consumer litigation. She is also a member of the **Personal Injury Group**. Ms. Breckenridge is involved with the firm's **Average Wholesale Price Litigation**. Other notable cases include leading the firm's efforts in the recently-settled **Raytheon Securities Litigation**, **Boeing Securities Litigation**, **Abbott Laboratories Litigation** and **Tobacco Litigation**.

In the Tobacco Litigation, Ms. Breckenridge spearheaded **Hagens Berman Sobol Shapiro's** effort to develop facts surrounding defendant British American Tobacco Industries and its subsidiaries, including Brown & Williamson and BATCo. Reviewing BAT documents held in a repository in Guildford, England, she explored issues of American court jurisdiction over BAT entities; BAT's participation in the worldwide industry conspiracy; and BAT and Brown & Williamson lawyer involvement in the conspiracy, as well as other issues related to liability.

Ms. Breckenridge earned her undergraduate degree from Georgetown University in political theory and economics. She graduated from the University of Maryland Law School, where she was the Notes and Comments editor of the *Maryland Law Review*.

ROBERT B. CAREY

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Mr. Carey has been the managing partner at Hagens Berman Sobol Shapiro's Phoenix office since 2002. His practice includes handling numerous class-action lawsuits against a variety of organizations and companies - including the **Swift Truckers Litigation** and the **Average Wholesale Price Litigation**. He recently acted as co-lead counsel for the Hyundai Litigation, which settled for approximately \$100 million.

Mr. Carey's previous experience focused on personal injury, medical malpractice and various class-action cases. In addition to arguing several high-profile cases in state Supreme Courts and Courts of Appeals, he litigated multi-billion dollar claims by counties for damages stemming from tobacco-related illnesses and

dozens of consumer and insurance class actions in various states. Mr. Carey also served as judge pro tempore in Maricopa County Superior Court and as special counsel for Hagens Berman Sobol Shapiro suits to recover Medicaid and statutory damages in the landmark public health litigation.

From 1990 to 1996, as Arizona's Chief Deputy Attorney General, Mr. Carey oversaw all major legal, policy, legislative, and political issues for the Arizona attorney general's office. He also obtained a \$4 billion divestiture, a landmark \$165 million antitrust settlement, and won numerous consumer and tort cases. Mr. Carey drafted and spearheaded passage of Arizona's law requiring the DNA testing of all sex offenders and instituted a penalty requiring that criminals pay the cost of victims' rights. He was also a principal draftsman of the first major overhaul of Arizona's criminal code, and drafted the bulk of the federal Prisoner Litigation Reform Act of 1995 for Senators Bob Dole and Jon Kyl, and authored the counterpart Arizona act that served as a model for other states and the federal act. His legislative experience began when he served as a former campaign staffer, intern, and staff member for U.S. Senator John McCain, during and after Senator McCain's first run for public office.

Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system, Mr. Carey frequently presents at national conferences and teaches tort, contract and public policy courses, most recently at the University of Colorado's graduate business school.

Mr. Carey earned his bachelor's degree from Arizona State University, and received his MBA and law degree from the University of Denver. He also attended Harvard University's John F. Kennedy School of Government, where he studied in the state and local government program.

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Ms. Fegan is a partner at Hagens Berman Sobol Shapiro's Chicago office where she has worked since 2004.

Prior to joining the firm, Ms. Fegan was a partner at The Wexler Firm LLP in Chicago. Her legal work consisted of finance lending discrimination lawsuits, pharmaceutical and antitrust litigation, civil rights charges and suits, and auditing and accounting malpractice litigation. She also served as legal writing instructor at the Loyola University Chicago School of Law.

While previously practicing at Shefsky & Froelich, Ltd. in Chicago, Ms. Fegan served in several local government appointments and on a special master team in federal and state court. The local government appointments included positions as special assistant corporation counsel to the city of Chicago, the Chicago Park District and the Public Building Commission of Chicago. Her private work has included complex commercial litigation, antitrust, civil rights, fraud and consumer fraud, and contract actions.

Ms. Fegan received her law degree from Loyola University Chicago School of Law. While there, she was editor at large of the *Loyola Law Journal* in which she published "Home Rule Hits the Road in Illinois: American Telephone & Telegraph Company v. Village of Arlington Heights."

**ERIN K. FLORY****Direct Dial: (206) 224-9332****Email: erin@hbsslaw.com**

Mr. Flory is a partner at Hagens Berman Sobol Shapiro where he focuses on securities and class-action litigation. His writing and legal analysis have been vital to the firm's rise to national prominence, helping to establish the high standards that exemplify the **Hagens Berman Sobol Shapiro's** written court submissions.

Mr. Flory plays a prominent role in several securities cases, including **Boeing**, **Boston Chicken**, **Einstein/Noah Bagel**, **Midcom**, **Wall Data**, **Immunex** and **Bonneville**.

Prior to joining the firm, Mr. Flory worked for a leading corporate defense firm, leaving in 1991 to represent the interests of injured investors, consumers, workers, and homeowners in their challenges to corporate misconduct. After obtaining his law degree, he clerked for Judge Thomas S. Zilly of the United States District Court for the Western District of Washington and for the Washington State Court of Appeals.

Mr. Flory graduated *summa cum laude* and Phi Beta Kappa from the University of Washington in 1983 with a degree in economics. He earned his law degree from the University of Washington Law School, where he served as an executive editor of the *Washington Law Review*.

REED R. KATHREIN**Direct Dial: (510) 725-3030****Email: reed@hbsslaw.com**

Mr. Kathrein is a partner at Hagens Berman Sobol Shapiro's San Francisco office. He has more than 30 years of experience in complex litigation in securities fraud, consumer and antitrust class actions. Among his most recent cases, he worked along side HBSS on a \$1 billion settlement with Tenet Healthcare.

Mr. Kathrein has worked in the state of California since 1988, where he has developed a reputation as one of the region's most successful attorneys in complex litigation and large class action cases. Some of Mr. Kathrein's highlight cases include a \$259 million settlement for shareholders against 3Com Corporation accusing the company of defrauding investors by hiding a \$160 million loss. Mr. Kathrein also made the record books in 2003 with an earned settlement of \$300 million, the largest investment fraud case in U.S. history against Capital Consultants.

Mr. Kathrein also serves on many committees and works within the community giving lectures on a variety of legal topics. He has served as the co-chair of the Securities Working Group in California and was tasked by Chief Justices Marilyn Hall Patel and Vaughn Walker to propose and assist in revising the Court's local securities fraud class actions rules. He also served on the executive committee of the National Association of Securities and Consumer Law Attorneys, the Private International Law Committee of the American Bar Association and acted as an advisor to the U.S. State Department's Advisory Committee on Private International Law.

Some of his most recent lectures address 'Dealing with Analysts and the Press' and 'Ethics in Class Actions.'

Mr. Kathrein earned his bachelor's degree in economics and politics of Latin America, and received his law degree from the University of Miami. He also attended Universidad Nacional Autonoma de Mexico in Mexico City.

**SEAN R. MATT****Direct Dial: (206) 224-9327****Email: sean@hbsslaw.com**

Mr. Matt is a partner at Hagens Berman Sobol Shapiro where he has worked since its founding in 1993. Mr. Matt's practice focuses on multi-state and nationwide class actions and encompasses consumer, insurance, products, antitrust, environmental, employment, and labor issues. His ability to organize and develop a standardized approach to prosecuting individual class cases across many states involving the same defendants and similar factual and legal issues continues to be a key factor in the firm's success.

Mr. Matt's cases include the **Average Wholesale Price Litigation, Ford and Nissan Accelerator Litigation, Washington State Ferry Litigation** and **Tobacco Litigation**. In the Tobacco Litigation, he assisted with client liaison responsibilities, working closely with assistant attorneys general in Oregon, Ohio, Arizona, Alaska, and New York, as well as assisting in briefing and arguing motions to dismiss. Working on various discovery issues, including discovery requests, briefing on discovery motions and appearances at discovery hearings, Mr. Matt also developed expert disclosure statements and prepared testimony for a variety of expert witnesses.

Mr. Matt's publications include co-authoring the comment, "Providing a Model Responsive to the Needs of Small Businesses at Formation: A Focus on Ex Ante Flexibility and Predictability" appearing in the *Oregon Law Review*.

Mr. Matt earned his bachelor's degree in finance from Indiana University, graduating with highest distinction. An associate editor of the University of Oregon School of Law's *Law Review*, he graduated with his law degree in 1992, after earning membership in the prestigious Order of the Coif.

DAVID S. NALVEN**Direct Dial: (617) 475-1953****Email: davidn@hbsslaw.com**

Mr. Nalven is a partner at Hagens Berman Sobol Shapiro's Cambridge office where he has worked since 2004. His practice includes handling numerous class-action lawsuits in the areas of prescription drug pricing, securities fraud, insurance fraud, and consumer protection.

Prior to joining the firm, Mr. Nalven served as Chief of the Business and Labor Protection Bureau in the Massachusetts Attorney General's Office for five years. He oversaw a staff of more than 100 on all cases and initiatives involving healthcare fraud, insurance fraud, workplace offenses, and other civil and criminal business matters.

While working with the Attorney General's Office, Mr. Nalven also led and supervised litigation concerning prescription drug pricing, insurance fraud violations, and healthcare fraud matters. He directed the investigation and negotiated the resolution of wide-ranging violations of child labor laws against the owner of several dozen Dunkin' Donuts locations, resulting in the largest child labor penalty in Massachusetts history.

Mr. Nalven is an editor of the *Boston Bar Journal*, and has been a frequent speaker on business litigation and corporate responsibility issues at conferences sponsored by various organizations, including the American Bar Association, Massachusetts Association of Healthcare Administrators, AFL-CIO, and Massachusetts Building Trades Council.

Mr. Nalven graduated *magna cum laude* from University of Pennsylvania in 1980 with a bachelor's degree in English, and from New York University School of Law in 1985. After law school, he served as a law clerk to the Honorable John R. Gibson of the United States Court of Appeals for the Eighth Circuit.

EDWARD NOTARGIACOMO**Direct Dial: (617) 475-1960****Email: ed@hbsslaw.com**

Mr. Notargiacomo is a partner at Hagens Berman Sobol Shapiro's Cambridge office where he has worked since 2002. He joined the firm to focus on complex consumer, commercial and antitrust litigation. His recent cases include the **Average Wholesale Price Litigation** and other class-action suits aimed at pharmaceutical companies who illegally attempt to deny market access to manufacturers of cheaper generic pharmaceuticals.

Mr. Notargiacomo's extensive experience in complex cases includes consumer class actions against predatory lenders and employment litigation against a major retail chain, as well as intense involvement in high-profile impact litigation against cigarette manufacturers, the firearms industry and pharmaceutical manufacturers.

Prior to joining the firm, he served as special assistant attorney general for Massachusetts in its suit against the tobacco industry. Mr. Notargiacomo played a major role in discovery in that case, including the defense of more than 45 depositions of state agency employees and led the effort to marshal documents and exhibits in preparation for trial. He also helped represent Rhode Island, New Hampshire and Maine in their suits against the tobacco industry. In another case, he represented the city of Boston in its suit against gun manufacturers and distributors in order to force them to take responsibility for some of the violence perpetrated with firearms that are negligently and illegally distributed in cities like Boston.

Mr. Notargiacomo received his bachelor's degree from Brown University in 1989. He earned his law degree with honors from Boston University in 1994 where he served on the *Boston University Public Interest Law Review*. He is admitted to practice in Massachusetts and in the U.S. District Court for the District of Massachusetts.

CHRISTOPHER A. O'HARA**Direct Dial: (206) 268-9351****Email: chriso@hbsslaw.com**

Mr. O'Hara is a partner at Hagens Berman Sobol Shapiro where he has worked since 1997. He practiced for nearly five years in the firm's Phoenix office before returning to the Seattle office, where he currently concentrates on antitrust, consumer, securities, and civil rights class actions.

Mr. O'Hara serves as plaintiffs' counsel in the **JP Morgan Chase Litigation, Prescription Drug Litigation**, price fixing litigation in the Linerboard and Laminates industries, as well as assisting with the national FCRA action against Trans Union and MCI. A member of the firm's Microsoft defense team, he also investigates allegations of racial discrimination and redlining in Chrysler's automobile loan practices in Illinois.

While in Phoenix, Mr. O'Hara deposed more than a dozen of big tobacco's expert witnesses, research scientists and marketing executives for the **Tobacco Litigation**, focusing predominantly on the Arizona case. He also defended the depositions of Arizona's national and local expert witness, while contributing to all aspects of discovery and motion practice. More recently, Mr. O'Hara played a leading role in the firm's successful defense of the state of Arizona against a claim brought by several Arizona Counties in the aftermath of the state's tobacco litigation.

Prior to joining the firm, Mr. O'Hara focused on property loss subrogation and professional liability defense at a Seattle-area law firm.

Mr. O'Hara earned his bachelor's degree in political science and French language and literature from the University of Washington in 1987. He subsequently graduated *cum laude* from Seattle University School of Law and is admitted to practice in state and federal courts in Arizona and Washington, as well as the U.S. Ninth Circuit Court of Appeals.

GEORGE W. SAMPSON

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Mr. Sampson is a partner at Hagens Berman Sobol Shapiro where he has worked since 1994. He joined the firm to focus on antitrust and consumer class actions, and currently serves as co-lead counsel in the **Disposable Contact Lens Litigation** and the **Visa/MasterCard** debit card case. He also helped develop antitrust claims in the **Tobacco Litigation**.

Prior to joining the firm, Mr. Sampson served as chief of the Antitrust Bureau for the New York Attorney General's Office. Mr. Sampson oversaw a 22 person staff and managed case selection and investigation for all civil and criminal prosecutions. He also served as attorney general liaison to the federal-state Executive Working Group-Antitrust. His position as chief involved a heavy trial practice, primarily in federal courts and often in conjunction with several states.

During his 10 years with the Antitrust Bureau, Mr. Sampson's notable cases included winning a \$7.8 million jury verdict in a highway bid rigging trial, serving as lead counsel for New York and obtaining a \$30 million settlement in insurance antitrust litigation, and negotiating a \$15 million return to consumers in a resale price maintenance settlement with Nintendo.

Mr. Sampson earned his bachelor's degree in economics from Cornell University and graduated from New York University School of Law in 1977. A member of both the Washington and New York state bars, he sits on the Executive Committee of the Antitrust and Consumer Protection of the Washington State Bar Association and frequently speaks on antitrust issues. Mr. Sampson is admitted before the U.S. Supreme Court and numerous federal courts of appeal.

ANTHONY D. SHAPIRO

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Mr. Shapiro is a partner at Hagens Berman Sobol Shapiro where he concentrates on antitrust matters, environmental and general commercial disputes, and leads the firm's **Personal Injury Group**. His personal injury practice includes cases of wrongful death, brain injury, and catastrophic personal injury matters resulting from construction site, workplace and automobile accidents, as well as product liability.

Mr. Shapiro's work prosecuting plaintiffs' claims against the **Alyeska Pipeline Service Company** resulting from the 1989 **Exxon Valdez Oil Spill** ultimately resulted in a \$98 million settlement for plaintiffs. Other notable antitrust class actions include **Brand Name Prescription Drug Antitrust Litigation**, **Carbon Dioxide Antitrust Litigation**, **Carpet Antitrust Litigation**, **Infant Formula Antitrust Litigation**, **Baby Food Antitrust Litigation**, **Scouring Pads Antitrust Litigation**, **Medical X-Ray Film Antitrust Litigation**, **High Fructose Corn Syrup Antitrust Litigation**, **Visa/MasterCard Antitrust Litigation**, **Commercial Tissue Products Antitrust Litigation**, **Flat Glass Antitrust Litigation**, **Lease Oil Antitrust Litigation**, and **Bromine Antitrust Litigation**.

Prior to leading the firm's personal injury litigation practice, Mr. Shapiro honed his courtroom skills in the Washington state prosecuting attorney's office, where he represented the state in more than 50 serious felony jury trials, including some of the state's most difficult and high-profile cases. Following his position at the prosecuting attorney's office, he joined Schweppe Krug & Tausend, then Seattle's oldest law firm, where he used his extensive courtroom experience to serve personal injury clients. He

subsequently founded Rohan Goldfarb & Shapiro, a firm focusing on personal injury cases as well as commercial litigation and antitrust work.

Very involved in issues concerning juvenile diabetes, Mr. Shapiro has served as a board member of the Western Washington chapter of the Juvenile Diabetes Foundation for four years.

Mr. Shapiro was given an AV rating by Martindale-Hubbell, the highest rating a lawyer can obtain, indicating a very high to preeminent legal ability and exceptional ethical standards as established by confidential opinions from members of the Bar.

Mr. Shapiro graduated from Colgate University with honors and earned his law degree from Georgetown University Law Center in 1982.

THOMAS M. SOBOL

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Mr. Sobol is the managing partner of Hagens Berman Sobol Shapiro's Cambridge office, and handles numerous pharmaceutical and consumer class actions for the firm.

Mr. Sobol currently leads drug pricing litigation efforts against several pharmaceutical companies in order to remedy overcharges to consumers and other payors of brand name and generic drugs. Some of his cases include the **Average Wholesale Price Litigation**, **Lupron Litigation** and **Relafen Antitrust Litigation**. He is lead counsel for the Prescription Access Litigation (PAL) Project, the largest coalition of health care advocacy groups that have joined together to fight illegal, loophole-based overpricing by pharmaceutical companies. PAL has approximately 85 organizational members and is located in more than 30 states.

In the groundbreaking **Tobacco Litigations**, Mr. Sobol represented the states of Massachusetts, New Hampshire, and Rhode Island and served as lead private counsel for Massachusetts and New Hampshire. These cases led to significant injunctive relief and monetary recovery in excess of \$10 billion to those states.

For many years, Mr. Sobol was a leader for the New England Shelter for Homeless Veterans (NESHV) in Boston, Massachusetts, and served as chairman of the board of its company, the Vietnam Veterans Workshop, Inc., from 1995 to 2002. The shelter is a national model for homeless services, and NESHV is one of the largest private organizations delivering services to homeless veteran families and other veterans in need.

Mr. Sobol is a leader in the Massachusetts legal and healthcare community, serving on the board of Health Law Advocates, Inc., a non-profit legal organization that assists in health access for the poor. In 2000, the *National Law Journal* named Mr. Sobol as one of Massachusetts' 10 leading litigators.

Mr. Sobol is a member of the bars of Massachusetts, Rhode Island, the U.S. District Court for Massachusetts and Rhode Island, and the United States Court of Appeals, First Circuit.

Mr. Sobol graduated *summa cum laude* from Clark University in Worcester, Massachusetts in 1980 and was elected to Phi Beta Kappa in 1979. He graduated from Boston University School of Law *cum laude* in 1983. Tom then served as a judicial clerk for then-Chief Justice Allan M. Hale of the Massachusetts Appeals Court from 1983 to 1984.

CRAIG R. SPIEGEL**Direct Dial: (206) 268-9328****Email: craig@hbsslaw.com**

Mr. Spiegel is a partner at Hagens Berman Sobol Shapiro where his practice primarily focuses on class actions in employee litigation. Recent cases include actions against **Abbott Laboratories** and the **Boeing Race Litigation**.

Prior to joining the firm, Mr. Spiegel served as co-counsel for plaintiffs in numerous class actions. As lead counsel for several hundred investors who lost substantial sums of money from investments with Property Mortgage Company, he obtained an \$8 million settlement. Mr. Spiegel also helped represent a class of investors that lost millions of dollars investing in the production of oil after the court certified a class based on his argument.

In litigation with AT&T, Mr. Spiegel's briefs and oral argument compelled the Ninth Circuit to reverse a summary judgment, obtaining a substantial sum for his client, a company that alleged that AT&T unlawfully changed its policies to drive the company out of business. In another notable case, he served as co-counsel for a family of three that was rendered homeless when a Santa Barbara businessman towed away their trailer, claiming it was on his land, reselling the vehicle and most of their possessions. He helped obtain a jury verdict of \$225,000 for the family, after another attorney had obtained a \$15,000 non-binding judicial arbitration award.

Mr. Spiegel graduated *summa cum laude* from St. Olaf College in 1975 and *cum laude* from Harvard Law School in 1979. Admitted to practice before several federal district and appellate courts, he is a member of the California, Illinois and Washington bars.

JEFFREY T. SPRUNG**Direct Dial: (206) 224-9329****Email: jeffs@hbsslaw.com**

Mr. Sprung is a partner at Hagens Berman Sobol Shapiro where he has worked since 1994. Mr. Sprung specializes in government fraud suits brought under the False Claims Act, representing whistleblowers serving as "private Attorneys General."

Mr. Sprung has sued a variety of companies, including the Compaq Computer Corporation, which resulted in a large, multi-state settlement on behalf of computer users; contractors for the U.S. Department of Energy concerning accounting fraud at the largest nuclear clean-up site in Hanford, Washington; health care providers and pharmaceutical companies for Medicare and Medicaid fraud; and military contractors for procurement fraud.

Mr. Sprung's expertise also includes prosecuting class actions for consumer fraud, employment discrimination and civil rights violations. He is extensively involved in race and gender employment discrimination class actions against The Boeing Company, and has handled class litigation arising from the use of slave and forced labor by Germany and Japan during World War II. He also worked on cases against foreign mining companies accused of destroying and contaminating indigenous people's land and committing human rights abuses.

Prior to joining the firm, Mr. Sprung was an Assistant U.S. Attorney in the Office of the U.S. Attorney for the District of Columbia, where he specialized in civil fraud matters. He won the first civil suit for mail, wire and bank fraud brought in the District of Columbia, as well as the first civil suit brought by the government to punish insider trading in the mortgage-backed securities market. He served on a U.S. presidential campaign in 1988, after working at a large law firm in Washington, D.C. where he started his legal career.

Mr. Sprung is very active in the legal community. He was editor and contributing author of a leading practitioners' guide on civil legal remedies in United States courts for hate crimes. He also speaks on the False Claims Act and international human rights to various law schools, including the University of Washington law school, and various trade groups. He is a member of the Washington State Bar Association, the Federal Bar Association, and the Association of Former Assistant U.S. Attorneys.

Mr. Sprung graduated *magna cum laude* and Order of the Coif from the University of Michigan in 1981 and received his law degree from the University of Chicago Law School in 1984. He is admitted to practice in the state of Washington and the District of Columbia, and he has appeared in numerous cases before United States district courts and courts of appeals.

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Mr. Volk is a partner at Hagens Berman Sobol Shapiro where he has worked since 1996.

Extensively involved in the **Tobacco Litigation**, he wrote many of the major briefs on behalf of the states represented by the firm. In addition, he helped research and develop legal theories used in the action, as well as drafting and amending complaints. Mr. Volk also headed the successful attack on defendants' claims that millions of documents were privileged. As a result, Washington State gained access to key documents - long hidden by the tobacco companies - that supported the state's allegations that the tobacco companies intentionally targeted children, intentionally hid their knowledge of the dangers of tobacco and lied to consumers and government regulators.

Mr. Volk currently works on ERISA cases for breach of fiduciary duties on behalf of current and former employees of **Enron**, **IPALCO** and the **Montana Power Company**; gender discrimination cases on behalf of Boeing employees at facilities in Kansas and Missouri; RICO cases on behalf of employees of **Zirkle Fruit Company** and Matson Fruit Company.

Prior to joining the firm, Mr. Volk taught legal writing and research at the University of Oregon School of Law. He also spent three years as a staff attorney at the Criminal Appeals Bureau of the Legal Aid Society in New York City.

Mr. Volk earned his undergraduate degree from Columbia University. He graduated *cum laude* from Cornell Law School in 1991 and served as an articles editor of the *Cornell International Law Journal*. He is admitted to practice in New York, Oregon and Washington.

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Mr. Friedman is Of Counsel at Hagens Berman Sobol Shapiro's San Francisco office where he specializes in class actions against large corporations involving securities fraud, consumer protection and privacy rights violations and has litigated numerous cases on behalf of class members resulting in multi-million dollar settlements.

Prior to joining the firm, Mr. Friedman worked with Lerach Coughlin Stoja Geller Rudman & Robbins, where he recently negotiated a multi-million dollar settlement with Dell, Inc. on behalf of nearly one million consumers, based on allegations involving Dell's bait-and-switch financing and sales practices.

Mr. Friedman's legal experience covers wide-ranging areas of corporate fraud and complex commercial transactions. From 1997-2000, Mr. Friedman was an Assistant United States Attorney in the Criminal Division of the United States Attorney's Office for the Central District of California (Los Angeles). As an AUSA, Mr. Friedman tried numerous federal cases and prosecuted matters involving investor, bank, and real estate fraud, tax evasion, narcotics trafficking, and money laundering. Prior to joining the U.S. Attorney's office, Mr. Friedman clerked for the Honorable Manuel L. Real, United States District Court Judge, Central District of California.

Mr. Friedman graduated with a Bachelor of Arts degree in political science from the University of Washington in 1991, where he was a member of the varsity baseball team. Mr. Friedman obtained his law degree, *magna cum laude*, from Santa Clara University School of Law in 1994, where he was on the Dean's list, an Emery School of Law Merit Scholarship Recipient, and a research assistant to the Dean of the law school. Mr. Friedman is a guest lecturer on class action practice at Stanford Law School. He is licensed to practice law in California and admitted in the Central and Northern Districts and the United States Court of Appeals for the Ninth Circuit.

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Mr. Moody is Of Counsel at Hagens Berman Sobol Shapiro where he has worked since 2006. He is a trial attorney with a passion for representing children, the disabled, elderly and incapacitated citizens. Raised in Olympia, Washington, Mr. Moody received his undergraduate degree from the University of Washington in 1990. After graduating from George Washington University School of Law in 1993, Mr. Moody joined the Seattle office of Gordon, Thomas, Honeywell where he became a partner in 1998. He left the firm in 2005.

Among his many cases on behalf of vulnerable citizens, Mr. Moody served as the lead trial attorney, obtaining the largest jury verdict ever upheld against the State of Washington (\$17.8 million); the lead trial attorney, securing the largest single-plaintiff settlement against the State of Washington, DSHS (\$8.8 million); the lead trial attorney, obtaining the largest single-plaintiff jury verdict on behalf of an incapacitated adult in Kitsap County, Washington (\$2.6 million); and the lead trial attorney, obtaining the largest single-plaintiff settlement on behalf of a developmentally disabled adult in eastern Washington (\$2.25 million) and incapacitated child (\$4.5 million) in Spokane County, Washington.

Mr. Moody is actively involved in advocacy for citizens with disabilities, is a member of the Arc of King County, and the Arc of Washington State.